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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,963	06/21/2001	Andreas Peiker	2360-0344P	3315

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EXAMINER

CHIANG, JACK

ART UNIT	PAPER NUMBER
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2642

7

DATE MAILED: 03/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

27/884 963

Applicant(s)

A. Peiker

Examiner

J. Chiang

Group Art Unit

2642

#7

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 6-21-01.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 14-29 is/are pending in the application.
- ☐ Of the above claim(s) is/are withdrawn from consideration.
- ☐ Claim(s) is/are allowed.
- ☒ Claim(s) 14-29 is/are rejected.
- ☐ Claim(s) is/are objected to.
- ☐ Claim(s) are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____.

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

CLAIMS

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 14-21, 23-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Ooe (US 5659887).

Regarding claim 25, Ooe shows:

A holder (13, or 603, 803 in figs. 19-25);

A mobile telephone handset (1) having a microphone and speaker;

A telephone receiver (202 or 302) which can be considered having a shell shaped to be manually graspable, an adapter (for holding handset 1), the telephone receiver (202, 302) is configured to be storable in the holder and to be removable for manual use, the telephone receiver has a microphone and an earpiece (307, 306), and a recess (fig. 9) for receiving and electronically coupling the handset (figs. 9 and 12);

A signal transmitter (though 19, operation of fig. 7) for establishing a remote signal transmission link to the telephone receiver independent of whether the receiver is stored in the holder or moved around freely during a phone call.

Regarding claim 27, Ooe shows:

A holder (13, or 603, 803 in figs. 19-25);

A mobile telephone handset (1) having a microphone and speaker;

A telephone receiver (202 or 302) including:

A manually graspable shell (202 or 302);

An adapter (for holding handset 1);

A recess (fig. 9, see also 15 in fig. 4) for receiving the handset (figs. 9 and 12);

The telephone receiver (202, 302) is configured to be storable in the holder and to be removable from the holder for use, the telephone receiver including a microphone and an earpiece (307, 306), and a recess (fig. 9) for receiving and electronically coupling the handset to the receiver (figs. 9 and 12, see also 25 in fig. 4);

A signal transmitter (though 19, operation of fig. 7) for establishing a remote signal transmission link to the telephone receiver independent of whether the receiver is stored in the holder or moved around freely during a phone call.

Regarding claims 14-21, 23-24, 26, 28-29, Ooe shows:

The handset (1), the telephone receiver, their connection and the hands free operation (see fig. 7);

The telephone receiver (302) which has a cradle receiving and electrically connecting to the handset (figs. 9 and 12);

The holder (figs. 19-25) which is a bracket including a releasable locking unit constructed and arranged to lock the telephone receiver (see 636);

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A swingable quiver or resilient pivotal means or cantilever and compression spring (360-370, see also its operation with 340-350);

A hinge pin (366);

A rear wall and the rim (352, 315);

A guide plate (rear portion of 302);

A moveable pressure-transmitting member (372, 374);

A helical cable or radio interface (16, or 316-317, 19).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ooe in view of Preuth et al. (GB 2286744).

Regarding claim 22, Ooe shows the cradle and the handset (1, 302).

Ooe differs from the claimed invention in that it does not show a lock/release device and the ejection of the handset.

However, Preuth teaches providing a lock/release device and the ejection mechanism (15-19, 44).

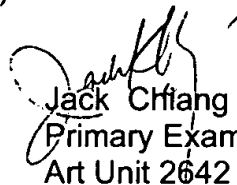
Hence, it would have been obvious for one skilled in the art to modify Ooe with a locking/releasing mechanism as taught by Preuth, such that to reenforce the supporting

function of the telephone holder in the vehicle environment (page 1, third paragraph in Preuth).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Chiang whose telephone number is 703-305-4728. The examiner can normally be reached on Mon.-Fri. from 8:00 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 703-305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jack Chiang
Primary Examiner
Art Unit 2642